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Notice of Allowability

Application No.

10/717,152

Examiner

Lars A Olson

Applicant(s)

ROTHE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on November 12, 2004.
2. ☒ The allowed claim(s) is/are 1-11,13-21,23-35 and 37-39.
3. ☒ The drawings filed on 19 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

1. An amendment was received from the applicant on November 12, 2004.
2. Claims 12, 22 and 36 have been canceled.
3. Claims 1-11, 13-21, 23-35 and 37-39 are allowed.
4. The following is an examiner's statement of reasons for allowance. The marine propulsion system as claimed is not shown or suggested in the prior art because of the use of a system that is comprised of a water passage with an inlet opening that is in fluid communication with a body of water and an outlet opening from which water is expelled to provide a propulsive force for a marine vessel, an impeller that is connectable in torque transmitting association with an output shaft of an engine, said impeller being disposed within said water passage between said inlet opening and said outlet opening, and attached to an impeller shaft for rotation with said impeller shaft about a horizontal axis, and an electric water pump with an inlet conduit and an outlet conduit, where said inlet conduit is disposable in fluid communication with said body of water, said outlet conduit is connectable in fluid communication with a cooling system of said engine, and said electric water pump is displaced from said water passage. The prior art also does not show or suggest said marine propulsion system in combination with a clutch that is connectable in torque transmitting association between said impeller and said output shaft of said engine, where said clutch is configured to disconnect said impeller from torque transmitting relation with said output shaft of said engine.

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5. The prior art as disclosed by Ishigaki et al. (US 6,752,671) shows the use of a marine propulsion system that is comprised of a water passage with an inlet opening that is in fluid communication with a body of water and an outlet opening from which water is expelled in order to provide a propulsive force for a personal watercraft, an impeller that is connected in torque transmitting association with an output shaft of an engine, said impeller being disposed within said water passage between said inlet opening and said outlet opening, a water pump with an inlet conduit and an outlet conduit, said inlet conduit being in fluid communication with said body of water through said water passage, and said outlet conduit being connected in fluid communication with a cooling system of said engine, a crankshaft that is supported for rotation about a vertical axis, and an impeller shaft to which said impeller is attached for rotation about a horizontal axis. Newly cited reference by Ishigaki et al. (US 6,821,167) discloses a marine propulsion system with an water passage, an impeller that is connectable with an output shaft of an engine, and a clutch that allows for switching the rotation of said output shaft between a forward and a reverse direction. Newly cited reference by Schneider (US 4,728,306) discloses a marine propulsion system in combination with an electric water pump having an inlet conduit that is in fluid communication with a body of water, and an outlet conduit that is in fluid communication with a cooling system of a marine engine. And newly cited reference by Bloemers et al. (US 4,392,779) discloses a marine drive water pump that is mounted over a drive shaft of a marine engine in order to provide engine cooling. However, none of the prior art cited shows or suggests the use of a marine propulsion system that is comprised of a water passage with an

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inlet opening that is in fluid communication with a body of water and an outlet opening from which water is expelled to provide a propulsive force for a marine vessel, an impeller that is connectable in torque transmitting association with an output shaft of an engine, said impeller being disposed within said water passage between said inlet opening and said outlet opening, and attached to an impeller shaft for rotation with said impeller shaft about a horizontal axis, and an electric water pump with an inlet conduit and an outlet conduit, where said inlet conduit is disposable in fluid communication with said body of water, said outlet conduit is connectable in fluid communication with a cooling system of said engine, and said electric water pump is displaced from said water passage. The prior art also does not show or suggest said marine propulsion system in combination with a clutch that is connectable in torque transmitting association between said impeller and said output shaft of said engine, where said clutch is configured to disconnect said impeller from torque transmitting relation with said output shaft of said engine.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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7. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

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December 20, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
12/20/04